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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 CURTIS S. THOMPSON,)

11 Plaintiff,)

12 v.)

13 REED HOLTGEERTS, *et al.*,)

14 Defendants.)

Case No. C05-2064-JLR-MJB

REPORT AND RECOMMENDATION

15 INTRODUCTION AND SUMMARY CONCLUSION

16 This is a *pro se* civil rights action under 42 U.S.C. § 1983. This matter is now before the
17 Court on plaintiff's motion for preliminary injunctive relief. This motion was filed before defendants
18 entered an appearance in this action. Thus, defendants were not served with a copy of the motion
19 and have not had an opportunity to respond. As it does not appear that a response is necessary, this
20 Court proceeds to disposition of plaintiff's motion for preliminary injunctive relief on the record as it
21 now stands. This Court, having reviewed plaintiff's motion, and the balance of the record, concludes
22 that plaintiff's motion for preliminary injunctive relief should be denied.

23 DISCUSSION

24 The basic function of a preliminary injunction is to preserve the *status quo ante litem* pending
25 a determination of the action on the merits. *Los Angeles Memorial Coliseum Com'n v. National*
26 *Football League*, 634 F.2d 1197, 1200 (9th Cir. 1980). A party seeking a preliminary injunction

REPORT AND RECOMMENDATION

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1 must fulfill one of two standards, the "traditional" or the "alternative." *Cassim v. Bowen*, 824 F.2d
2 791, 795 (9th Cir. 1987).

3 Under the traditional standard, a court may issue preliminary relief if it finds that (1) the
4 moving party will suffer irreparable injury if the relief is denied; (2) the moving party will
5 probably prevail on the merits; (3) the balance of potential harm favors the moving party; and
6 (4) the public interest favors granting relief. . . . Under the alternative standard, the moving
party may meet its burden by demonstrating either (1) a combination of probable success and
the possibility of irreparable injury or (2) that serious questions are raised and the balance of
hardships tips sharply in its favor.

7 *Cassim v. Bowen*, 824 F.2d at 795 (citations omitted).

8 The standards "are not discrete tests, but are instead 'outer reaches of a single continuum.'"
9 *Pratt v. Rowland*, 65 F.3d 802, 805 (9th Cir. 1995) (citing *Chalk v. United States Dist. Ct.*, 840 F.2d
10 701, 704 (9th Cir. 1988)). To obtain injunctive relief under either standard the moving party must
11 demonstrate exposure to irreparable harm absent the requested judicial intervention. *Caribbean*
12 *Marine Services Co. v. Baldridge*, 844 F.2d 668, 674 (9th Cir. 1988). Speculative injury does not
13 constitute irreparable injury sufficient to warrant granting preliminary relief. *Id.* Rather, "a plaintiff
14 must *demonstrate* immediate threatened injury as a prerequisite to preliminary injunctive relief." *Id.*
15 (emphasis in original).

16 Plaintiff appears to assert in his motion for injunctive relief that the agencies responsible for
17 his criminal prosecution have slandered him in the media, thus making him fear for his life. Plaintiff
18 does not provide any details regarding the alleged slander nor does he make clear what form he
19 believes the injunction should take. He does, however, request that the Seattle Police Department be
20 directed to release all of his property and to reimburse him for back rent. He also requests that the
21 King County Prosecutor, the Seattle Police Department, and all Seattle area media outlets be
22 directed to provide plaintiff with all of their files.

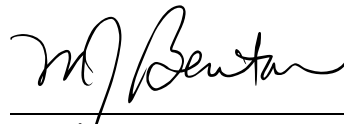
23 Plaintiff fails to establish that he is entitled to the relief he seeks. First, the entities against
24 whom plaintiff appears to seek relief by way of the instant motion are not parties to this action at the
25 present time. Thus, the Court has no jurisdiction to enjoin the conduct of those entities. In addition,
26 plaintiff makes no showing that he will suffer irreparable harm absent court intervention. Plaintiff

1 asserts generally that he fears for his life, but he simply offers no facts demonstrating that he is in
2 immediate danger of irreparable harm.

3 CONCLUSION

4 For the reasons set forth above, this Court recommends that plaintiff's motion for preliminary
5 injunctive relief be denied. A proposed order accompanies this Report and Recommendation.

6 DATED this 30th day of June, 2006.

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10 Monica J. Benton
11 United States Magistrate Judge
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